

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**JENNY BARTON; CHRISTIAN TAYLOR;
LIBBY WILHITE; and VERONICA THOMAS**

PLAINTIFFS

v.

No. 3:14-cv-241-DPM

**STAFFORD KEES and
STAFFORD KEES JR.¹**

DEFENDANTS

ORDER

1. The motion to dismiss, *No. 10*, is denied. Viewing the facts in a light most favorable to the plaintiffs, the Court accepts their statement that they each received the right-to-sue letter on 21 July 2014. *No. 14 at 1; Ritchie v. St. Louis Jewish Light*, 630 F.3d 713, 716 (8th Cir. 2011). Therefore, plaintiffs had until 19 October 2014 to file their complaint. 42 U.S.C. § 2000e-5(f)(1); *Williams v. Little Rock Municipal Water Works*, 21 F.3d 218, 222 (8th Cir. 1994). Their 17 October 2014 filing was thus timely.

2. It is unclear whether Kees argues that he can't be sued because the plaintiffs' EEOC charge ran against Osceola HealthCare, Inc. *See Winbush v. State of Iowa By Glenwood State Hospital*, 66 F.3d 1471, 1478 n.9 (8th Cir. 1995).

¹Stafford Kees and Stafford Kees Jr. are the same person. *No. 11 & No. 10 at 1*. The Court directs the Clerk to correct the docket to so reflect. We'll go with Stafford Kees Jr. as the sole defendant.

On this issue, Kees's motion is denied without prejudice to a more focused argument later.

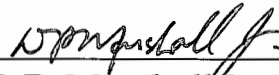
3. The motion for Clerk's judgment, *No 13*, is denied. Plaintiffs are incorrect about a date. Kees's filed his answer on 15 December 2014, exactly twenty-one days after being served with the summons and complaint on 24 November 2014. His answer was timely. FED. R. CIV. P. 12(a)(1)(A).

4. There is some confidential information on page seven of *No 4*. The Court directs the Clerk to put page seven under seal.

* * *

Motions, *No 10 & 13*, denied.

So Ordered.



D.P. Marshall Jr.
United States District Judge

3 February 2015